

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Michael N. Milby, Clerk

In Re ENRON CORPORATION SECURITIES, DERIVATIVE & "ERISA" LITIGATION,	000000	MDL 1446	
MARK NEWBY, ET AL., Plaintiffs	00000		
VS. ENRON CORPORATION, ET AL., Defendants	<i>\$</i> \$	CIVIL ACTION NO. H-01-3624 AND CONSOLIDATED CASES	
PAMELA M. TITTLE, on behalf of herself and a class of persons similarly situated, ET AL., Plaintiffs VS. ENRON CORP., an Oregon Corporation, ET AL.,	<i>\$</i>	CIVIL ACTION NO. H-01-3913 CONSOLIDATED CASES	
Defendants	8		

NOTICE OF AGREEMENT BETWEEN TITTLE AND NEWBY PLAINTIFFS CONCERNING PROPOSED PRETRIAL SCHEDULING ORDER

- 1. On May 27, 2003 the *Tittle* plaintiffs submitted their Response to Lead Plaintiff's Proposed Pretrial Scheduling Order. That Response requested that the language at the conclusion of the proposed order be amended to clarify the identity of the parties having responsibility to coordinate discovery in the consolidated cases as the ERISA and securities actions move forward.
- 2. Shortly after the hearing on July 10, 2003, the *Tittle* plaintiffs and Lead Plaintiff agreed on the wording of that provision in a form that is substantially similar to what was proposed on May 27, 2003.



3. Accordingly, the *Tittle* plaintiffs request that the Court include the

following in the scheduling order that it issues:

Recognizing that private litigants asserting securities claims have their own rights at stake, the Court orders plaintiffs' counsel in the private cases, in consultation with Lead Counsel in *Newby*, to work out a procedure by which they can participate in discovery and avoid duplication of discovery directed to common defendants. Discovery which is unique to any *Tittle* consolidated action shall proceed solely in consultation with Co-Lead counsel for *Tittle*.

Respectfully Submitted: July 11, 2003

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 14th day of July, 2003, he served a true and correct copy of the foregoing document on all counsel on the attached Service List via U.S. Mail, facsimile, or web site posting via the http://www.esl3624.com web site, pursuant to the Court's April 10, 2002, Order Regarding Service of Papers and Notice of Hearings.

/S/			
Robin L. Harrison	 		